

FILED
DISTRICT COURT OF GUAM

OCT 16 2007

JEANNE G. QUINATA
Clerk of Court

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IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM


UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 07-00071
)	
Plaintiff,)	
)	MOTION TO DISMISS
vs.)	THE INDICTMENT
)	
BEN JOE PEREZ CRUZ,)	
)	
Defendant.)	

COMES NOW the plaintiff, United States of America, by and through its undersigned attorney, and moves that the Indictment in the above cause against defendant, BEN JOE PEREZ CRUZ, be dismissed with prejudice, because of an inability to establish a *prima facie* case beyond a reasonable doubt based on newly discovered evidence.

Respectfully submitted this 16th day of October 2007.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

By:



RYAN M. ANDERSON
Special Assistant U.S. Attorney

ORIGINAL